

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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DAVID T. MARKS.

Plaintiff,

V.

NANCY A. BERRYHILL, ACTING
COMMISSIONER OF SOCIAL SECURITY.,

Defendant.

Case No. 2:16-cv-03034-APG-NJK

ORDER ON REPORT AND RECOMMENDATION

(ECF. Nos. 13, 15, 18)

On January 7, 2018, Magistrate Judge Koppe entered a report and recommendation that I remand this case to the administrative law judge. No party filed an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to “make a de novo determination of those portions of the report or specified proposed findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and recommendations de novo *if objection is made*, but not otherwise” (emphasis in original)).

IT IS THEREFORE ORDERED that Judge Koppe's report and recommendation (**ECF No. 18**) is accepted, the plaintiff's motion for remand (**ECF No. 13**) is GRANTED, and the defendant's motion to affirm (**ECF No. 15**) is DENIED. This case is REMANDED to the administrative law judge for further proceedings consistent with this order and with Judge Koppe's report and recommendation.

DATED this 2nd day of February, 2018.

**ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE**